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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,334	02/02/2001	Morgan N. Price	PMND1000-1	9568
22470	7590	12/13/2004	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019			SMITH, TRACI L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/776,334

Applicant(s)

PRICE ET AL.

Examiner

Traci L Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to papers filed on February 2, 2001.
2. Claims 1-109 are rejected.
3. Claims 1-109 are pending in this application.

***Information Disclosure Statement***

4. The information disclosure statement(IDS) submitted February 2, 2001 has been entered and considered by the examiner.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15-18, 20, 22, 48-51, 53, 55, 81-84, 86 and 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 15-17, 48-50 and 81-83 are indefinite for defining whom a person of authority is and how they are determined. The claims also fail to clearly identifying whether what is being claimed is a system or a method. What are the requirements to approve an action?<sup>2</sup> Claims 18, 51 and 84 are indefinite for not clearly stating how the nodes are structured. Claims 20, 53 and 86 are indefinite for determining what "attitude other than would be express" means and how is it determined. Claims 22, 55 and 88 are indefinite for what the outcome is if offer is not accepted.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-34 and 100-109 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

10. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

11. Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

12. In the present case the applicant only states intended use of technology and does not actually apply the technology to perform any type of data manipulation. The

claims reference "including" tools to perform certain functions but the actual functions themselves never actually take place.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-109 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 393 423 B1, Goedken; Apparatus and Methods for Electronic Information Exchange.

15. As to claims 1, 34, 67 and 104 Goedken teaches a system, method and apparatus for categorized data about personal profiles(C. 12 I. 1-3)

a. Capable of requesting information (C. 8 I. 36-38)

b. Capable of monitoring activity(C. 8 I. 47-49)

16. As to claim 100 Goedken teaches a system, method and apparatus for categorized data about personal profiles(C. 12 I. 1-3)

Capable of requesting information (C. 8 I. 36-38)

Capable of monitoring activity(C. 8 I. 47-49)

Capable of including an offer and responding to offer(C. 39 I. 1-3).

17. As to claims 2-3, 35-36, 68-69 and 105-106 Goedken teaches the internet.(C. 8 I. 19-20)
18. As to claims 4, 8-9, 37, 41-42, 70, 74-75 and 106 Goedken teaches capabilities to browse(C. 11 I. 24-28).
19. As to claims 5, 10-13, 38, 43-46, 71, 76-79 and 107 Goedken teaches information requests and users having specific profiles(C. 8 I. 2-5; 17-20)
20. As to claims 6-7, 39-40, 72-73 and 108-109 Goedken teaches capabilities requesting and submitting requests(C. 11 I. 29-31).
21. As to claims 14, 22, 47, 55, 80, 88 and 103 Goedken teaches receiving an offer(C. 39 I. 1-3). Although Goedken doesn't explicitly teach accepting an offer it is well known that when a bid is made the next step is to either accept or reject.
22. As to claims 15, 48 and 81 approving actions(C. 33 I. 13-17).
23. As to claims 16, 59 and 82 Goedken teaches capabilities for submitted requests being approved and sent to members(C. 16 I. 54-64).
24. As to claims 17, 50 and 83 Goedken teaches capabilities for approval of comments(C. 20 I. 22-27).
25. As to claims 18, 51 and 84 Goedken teaches linking structures(C. 14 I. 14-18).
26. As to claims 19, 52 and 85 Goedken teaches providing a response(C. 2 I. 58-60).
27. As to claims 20, 53 and 86 are rejected as best understood by the examiner, Goedken teaches evaluation of variables(C. 23 I. 24-25).
28. As to claims 21, 54, 87 and 102 Goedken teaches capabilities for displaying.(C. 2 I. 63).

29. As to claims 23-24, 56-57, 89-90 and 101 Goedken teaches capabilities for composing, submitting and monitoring a request(C8. I. 65-67; C. 9 I. 6-7) and managing deliver of response(C. 6 I. 64-65).

30. As to claims 25-28,30-33, 58-61, 63-66, 91-94 and 96-99Goedken teaches capabilities for organizing and tracking categories and subcategories(Fig. 12-15).

Although Goedken may not explicitly teach the specific categories and subcategories it is irrelevant as this information is non-functional data. These differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the types of categories and subcategories. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).

31. As to claims 29, 62 and 95 Goedken teaches notifying users of events of an actions(C. 7 I. 28-31).

***Conclusion***

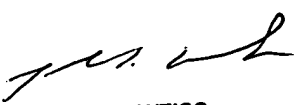
32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Non-Patent Literature article "Media: New Media: New Media Diary"; The Guardian, January 29, 2001. Foreign Patent JP 20057071A Sumiya et al. A method for information disclosure and apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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